

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

-against-

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

-against-

TRAIN KLAN, a Partnership, et al.

Defendants.

Adv. Pro. No. 10-04905 (SMB)

**DISCOVERY ARBITRATOR'S ORDER**

The Discovery Arbitrator, having conducted a telephonic hearing on September 8, 2017, regarding the defendants in this adversary proceeding (collectively, "Train Klan"), and having considered the parties' submissions concerning the Trustee's letter-application, dated August 24, 2017, to compel Train Klan to comply with my order dated January 4, 2017, as amended on January 9, 2017 ("Prior Order), or, alternatively, to answer certain interrogatories and produce documents responsive to the Trustee's requests for production, hereby directs as follows:

1. Train Klan previously has stipulated to the accuracy of Exhibit B to the Complaint in this proceeding in the manner prescribed during the hearing held on December 13, 2016, and in my Prior Order. Accordingly, Train Klan is bound by that stipulation. Train Klan therefore need not answer the further interrogatories or produce the further documents sought by the Trustee.
2. Pursuant to Judge Bernstein's Order dated July 26, 2017, (Adv. Pro. No. 08-01789, Doc. No. 16,459), Chaitman LLP is required to enter into the same stipulation "[i]nsofar as possible" with respect to any other adversary proceedings in which Chaitman LLP represents the defendants.
3. In any proceedings in which Chaitman LLP fails to so stipulate, the defendants must promptly: (a) answer the interrogatories corresponding to Interrogatory Nos. 5, 7, 10, 14, 15, 17, and 18 in this adversary proceeding, except to the extent they are modified in the following paragraph; and (b) produce all documents responsive to the Trustee's requests for production, except to the extent that they relate exclusively to Subsequent Transfers.
4. (a) Interrogatory No. 7 is modified to read as follows:

Identify: (a) each Person or entity that ever directly received funds withdrawn from the Account; (b) the amount of money that each such Person received; and (c) the date(s) on which each Person or entity received such money.

- (b) Interrogatory No. 18 is modified to read as follows:

Identify any Person with knowledge or information relevant to this Adversary Proceeding who may be in possession of any Documents or other information concerning any Transfers or deposits, including but not limited to \_\_\_\_, and any other banks, financial advisors, accountants, auditors, securities brokers, and/or other financial professionals. For every Person you Identify, provide their name, address, and telephone number.

SO ORDERED.

Dated: New York, New York  
September 8, 2017



FRANK MAAS  
Discovery Arbitrator

Copies to Counsel via ECF